

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

AMANDA BEEZLEY, Individually, and On  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

FENIX PARTS, INC., KENT  
ROBERTSON, SCOTT PETTIT, BMO  
CAPITAL MARKETS CORP., STIFEL,  
NICOLAUS, & COMPANY,  
INCORPORATED, BB&T CAPITAL  
MARKETS, and BARRINGTON  
RESEARCH ASSOCIATES, INC.,

Defendants.

Civil Action No. 1:17-cv-07896  
Judge Charles R. Norgle, Sr.

**UNDERWRITER DEFENDANTS' MOTION TO DISMISS  
AMENDED COMPLAINT ON STATUTE OF LIMITATIONS GROUNDS**

Defendants BMO Capital Markets Corp., Stifel, Nicolaus & Company, Incorporated, BB&T Securities, LLC,<sup>1</sup> and Barrington Research Associates, Inc. (collectively, the "Underwriter Defendants"), respectfully move this Court pursuant to Federal Rule of Civil Procedure 12(b)(6) for an order dismissing the Amended Class Action Complaint in the above-captioned matter (the "Amended Complaint") in its entirety, with prejudice. Plaintiffs have filed their Amended Complaint against Fenix Parts, Inc. ("Fenix"), certain corporate officers (together with Fenix, the "Fenix Defendants"), and the Underwriter Defendants (who were not named in the original complaint filed in January 2017). For the reasons stated in the accompanying Memorandum of Law in Support of Motion to Dismiss Amended Complaint on Statute of

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<sup>1</sup> "BB&T Capital Markets," the entity named in this suit, is a division of "BB&T Securities, LLC."

Limitations Grounds and the Declaration of Inez H. Friedman-Boyce and the exhibits attached thereto, filed concurrently herewith, the claims asserted in the Amended Complaint against the Under Defendants are time-barred under the one-year statute of limitations applicable to claims under the Securities Act of 1933. In addition, for the reasons set forth in the Fenix Defendants' memorandum of law in support of their separate motion to dismiss, the Amended Complaint also fails to state a claim against the Underwriter Defendants on which relief may be granted. For all of these reasons, the Underwriter Defendants respectfully request that all claims against them be dismissed in their entirety, and with prejudice.

**REQUEST FOR ORAL ARGUMENT**

The Underwriter Defendants believe that oral argument will assist the Court in deciding the issues raised by this motion and therefore respectfully request oral argument pursuant to Local Rule 78.3.

Dated: January 2, 2018

Respectfully submitted,

DEFENDANTS BMO CAPITAL MARKETS CORPORATION, STIFEL, NICOLAUS & COMPANY, INCORPORATED, BB&T SECURITIES, LLC, AND BARRINGTON RESEARCH ASSOCIATES, INC.,

By their attorneys,

/s/ Brian E. Pastuszewski

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on January 2, 2018, a true and correct copy of the foregoing Underwriter Defendants' Motion to Dismiss Amended Complaint On Statute of Limitations Grounds was served upon all parties of record via the Court's electronic filing system.

/s/ Brian E. Pastuszewski